



CITY OF HOUSTON

Executive Order

Subject: **Establishment of Office of Inspector General for Investigation of Employee Misconduct**

E.O. No.

1-39 Revised

Effective Date:

Upon Approval

1. AUTHORITY

1.1 Article VI, Section 7a, of the City Charter of the City of Houston.

2. PURPOSE

2.1 To establish, and to prescribe the duties and the limitations of, the Office of the Inspector General ("OIG"), a division of the Office of the City Attorney.

3. OBJECTIVES

3.1 To establish a central, objective authority for the timely investigation of allegations of employee misconduct.

4. DEFINITIONS

4.1 Employee misconduct - An act intentionally committed by a City employee, relating directly or indirectly to the employee's employment with the City, and violating a state or federal law, a City Ordinance, an Executive Order, an Administrative Procedure, or a Mayor's Policy.

5. SCOPE

5.1 This Executive Order applies to all City employees, excluding classified police officers subject to Chapter 143 of the Texas Local Government Code and civilian personnel employed with the Houston Police Department.

6. RESPONSIBILITIES

6.1 OIG

6.1.1 Review all allegations of employee misconduct submitted to the OIG in writing.

6.1.2 Investigate all facts and circumstances that reasonably appear to constitute employee misconduct.

6.1.3 Supply information, which information may be protected from public disclosure as provided by law, to the City Ethics Committee, the Office of the Mayor, the Civil

Approved:

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Date Approved:

7/14/10

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Service Commission for Municipal Employees ("Commission"), Directors of City Departments, the Houston Police Department, and the Harris County District Attorney (and, as deemed appropriate by the City Attorney, other public law enforcement authorities) to facilitate investigations of allegations of employee misconduct and any associated disciplinary actions or enforcement of civil or criminal laws.

6.2 City Attorney

- 6.2.1 To supervise the OIG, consistent with the duties of the City Attorney as stated in Section 2-258 of the Code of Ordinances.
- 6.2.2 No later than 90 days after the effective date of this Executive Order, to post at the City's website such forms, rules, and procedures as are reasonable and necessary to attain the Objective of this Executive Order.

6.3 City Controller

- 6.3.1 The OIG may consult the City Controller regarding allegations of employee misconduct that may expose the City to significant financial loss. The City Controller has agreed to provide auditing and other financial analysis to assist the OIG's investigations of such allegations.

6.4 Department Directors

- 6.4.1 All Department Directors shall cooperate with investigations conducted by the OIG and shall ensure that employees of the Directors' respective Departments cooperate with all requests from the OIG for information, documents, witness statements, or related materials.

6.5 City Employees

- 6.5.1 A City employee who believes in good faith that employee misconduct has occurred or is occurring must report to the OIG the facts or circumstances giving rise to the belief.
 - 6.5.1.1 An allegation of employee misconduct must be in writing, on a form promulgated by the City Attorney, and delivered to the OIG in a sealed envelope addressed to the OIG and prominently marked "Confidential."
 - 6.5.1.2 An allegation of employee misconduct should be reported to the OIG as promptly as possible, but in any event no later than thirty days after the person making the allegation is aware of facts or circumstances that appear to constitute employee misconduct.
- 6.5.2 A City employee who falsely alleges employee misconduct to the OIG (that is, who represents to the OIG that a material fact or circumstance is true when the employee knows the fact or circumstance not to be true) violates this Executive Order and, accordingly, commits employee misconduct.
- 6.5.3 All City employees shall cooperate fully with any investigation conducted by the OIG and must provide truthful information, written statements, documents, and related materials upon OIG's request.

- 6.5.4 Unless authorized in writing by the City Attorney or the OIG, or as otherwise provided by law, no City employee may disclose to any person other than the OIG the substance of any communication (whether verbal, electronic, or in writing) to or from the OIG related to an OIG investigation.
- 6.5.5 This Executive Order does not relieve any City employee of any duty to comply with state and federal laws, City Ordinances, Executive Orders, Administrative procedures, Mayor's Policies, and Department policies regarding the reporting of employee misconduct.

7. ALLEGATIONS RE: WHISTLEBLOWER ACT

- 7.1 A City employee or a former City employee who believes that the City has taken an adverse personnel action against her or him in violation of Chapter 554 of the Texas Government Code ("Whistleblower Act") may file a complaint ("Whistleblower Complaint") with the OIG stating the facts or circumstances giving rise to the employee's belief. A Whistleblower Complaint filed with the OIG should be in writing, on a form promulgated by the City Attorney.
 - 7.1.1 Immediately upon receipt of a Whistleblower Complaint, the OIG will mark the date and time of receipt on the face of the Complaint.
 - 7.1.2 A Whistleblower Complaint should be filed with the OIG as promptly as possible but in any event within 90 days after the date on which the adverse personnel action occurred or was discovered through reasonable diligence.
 - 7.1.3 Except as authorized in writing by the City Attorney, the OIG must complete its investigation of a Whistleblower Complaint within 45 days after the date on which the Whistleblower Complaint was filed with the OIG.
 - 7.1.4 Promptly upon completion of its investigation of a Whistleblower Complaint, the OIG will deliver a written report of the OIG's findings and conclusions ("OIG's Report") to the director of the department in which the employee is or was most recently employed. The said director will issue a written disposition of the Whistleblower Complaint within 20 days after the date on which the Director received the OIG's Report.
- 7.2 If a civil-service-protected City employee timely files with the Commission an appeal ("Civil Service Appeal") of the employee's indefinite suspension, involuntary demotion, reduction in pay, or temporary suspension in excess of 15 days, and if the Civil Service Appeal alleges any fact or circumstance that may constitute a violation of the Whistleblower Act, the Commission immediately shall file a copy of the Civil Service Appeal with the OIG.
 - 7.2.1 Immediately upon receipt of a Civil Service Appeal, the OIG will mark the date and time of receipt on the face of the Civil Service Appeal.
 - 7.2.2 The OIG will investigate only those facts and circumstances alleged in the Civil Service Appeal that may constitute violations of the Whistleblower Act.
 - 7.2.3 The OIG must complete its investigation of a Civil Service Appeal within 20 days after the date on which the Civil Service Appeal was filed with the OIG.

7.2.4 Promptly upon completion of its investigation of a Civil Service Appeal, the OIG will deliver a written report of the OIG's findings and conclusions to the Commission, and the Commission will issue a written disposition of the Civil Service Appeal within 30 days after the date on which the Civil Service Appeal was filed with the Commission.

7.3 Other than Civil Service Appeals, which are addressed by Subsection 7.2 of this Executive Order, the Commission may refer any Whistleblower Complaint to the OIG for investigation, which referral will constitute a "filing" with the OIG for the purposes of Subsections 7.1.3 and 7.1.4 of this Executive Order.

8. POLICY CONFLICT

8.1 This Executive Order supersedes any and all prior policies and/or Executive Orders to the extent such policies or Executive Orders are inconsistent with this Executive Order 1-39.